

APPENDIX B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	PATENT APPLICATION
	:	
Lhing-Yew Li, et al.	:	POLYNUCLEOTIDE CONSTRUCTS
	:	ENCODING ASPARTATE KINASE,
	:	ASPARTATE-SEMIALDEHYDE
	:	DEHYDROGENASE, AND
	:	DIHYDRODIPICOLINATE REDUCTASE
	:	AND RELATED CONSTRUCTS, PRODUCTS,
	:	AND METHODS
	:	
Serial No.: 10/067,974	:	Group Art Unit: 1652
	:	
Filed: February 8, 2002	:	Examiner: Kerr, Kathleen M.
	:	
	:	Pittsburgh, Pennsylvania 15219
	:	June 14, 2005

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**RENEWED PETITION FOR RIGHT OF PRIORITY UNDER 35 U.S.C. §119(e),
35 U.S.C. §120, and 37 C.F.R. 1.78(a)(3) and 1.78(a)(6)**

Sir:

This is a renewed petition to request the benefit of priority of earlier filed applications in connection with the above-captioned Application. This renewal petition is filed under 37 C.F.R. 1.78(a)(3) and 1.78(a)(6). Applicants' Petition dated April 7, 2005 inadvertently omitted the relationship of the earlier filed application(s) to the present Application. This renewed petition clearly sets forth the application number, filing date and the relationship of the present nonprovisional Application to the one or more prior filed co-pending nonprovisional applications. The status of each nonprovisional parent application and provisional application

are also clearly stated. A revised Supplemental Application Data Sheet is provided. An authorization to charge to Deposit Account No. 02-4553 any required charge as set forth under 37 C.F.R. 1.17(t) are included herewith.

Remarks begin on page 39 of this paper.

Conclusion begins on page 41 of this paper.

Authorization begins on page 42 of this paper.

Appendix , revised **Supplemental Application Data Sheet** is attached to this paper.

REMARKS

This renewed Petition is in response to the Office Of Petitions communication dated June 1, 2005. Applicants respectfully make a renewed request for the benefit of priority to earlier filed co-pending applications under 35 U.S.C. §119(e) and §120 and as set forth in 37 C.F.R. 1.78(a)(3) and 1.78(a)(6).

Applicants request the following priority claims and benefits: Applicants' U.S. Application Serial No. 10/067,974, filed February 8, 2002, claims the right of priority under 35 U.S.C. 119(e) to U.S. Provisional Application No. 60/267,183, filed February 8, 2001 (now abandoned), and U.S. Application Serial No. 10/067,974 is a continuation under 35 U.S.C. 120 of U.S. Application Serial No. 09/722,441, filed November 28, 2000 (pending, now allowed) which claims the benefit of priority under 35 U.S.C. 119(e) to U.S. Provisional Application Serial Nos. 60/184,130, filed February 22, 2000 (now abandoned) and 60/173,707, filed December 30, 1999 (now abandoned).

Applicants state that the entire delay between the date the claim was due under 37 CFR 1.78 (a)(2) (ii) and the date the claim was filed was unintentional. Applicants' state that the entire delay between the date the claims were due under 37 CFR 1.78(a)(5)(ii) and the date the claims were filed was unintentional. Applicants' Petition of April 7, 2005 requesting said benefit claims was accompanied by a surcharge for unintentionally delayed benefit of priority of earlier filed applications as set forth under 37 CFR 1.17(t).

The earlier filed nonprovisional co-pending U.S. Application Serial No. 09/722,441 and the present continuation Application U.S. Serial No. 10/067,974 have one common inventor Lhing-Yew Li (formerly Lhing-Yew Li-D'Elia as listed in U.S. Serial No. 09/722,441 who is one

and the same individual as Lhing-Yew Li listed as inventor on the present Application).

Applicants gratefully acknowledge the notice of allowability of U.S. Serial No. 09/722,441 mailed on February 9, 2005 and note for the record that the issue fee was not yet paid as of the filing of Applicants' Petition of April 7, 2005.

The earlier filed provisional co-pending U.S. Application Serial Nos. 60/184,130 and 60/173,707, U.S. Application Serial No. 09/722,441 and the present continuation Application U.S. Serial No. 10/067,974 have one common inventor Lhing-Yew Li (formerly Lhing-Yew Li-D'Elia, who is one and the same individual as Lhing-Yew Li listed as inventor on the present Application).

Applicants enclose an amended Supplemental Application Data Sheet which sets forth the above-noted requested claims of priorities and benefits.

CONCLUSION

Applicants respectfully submit the instant renewed petition for the benefits of earlier filed priorities as set forth herein. Applicants reserve the right to withdraw this petition for benefit of priorities during the course of prosecution of the present application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any necessary fees associated with this renewed Petition to Deposit Account No. 02-4553. A duplicate copy of this renewed Petition is enclosed for deposit account purposes.

Respectfully submitted,

Buchanan Ingersoll PC

A handwritten signature in black ink, appearing to read "Craig G. Cochenour", with a long horizontal flourish extending to the right.

Dated: June 14, 2005

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